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Application No: 10/532,623
Amendment A
Reply to Office Action Dated 06/06/2007

SEP 17 2007

Attorney Docket No: 3926.142

REMARKS

Claims 8-19 are pending in the application. Claims 8, 12, and 19 have been amended. Claims 1-7 have been previously cancelled.

Claim Rejections - 35 U.S.C. § 112

Claims 14-15 and 18 (as indicated in the Interview Summary of September 4, 2007) have been rejected under 35 USC 112, second paragraph, as being indefinite.

More specifically, the Examiner has stated that claims 14 and 18 are contradictory since claim 14 recites "switching stages that cannot latch" and claim 18 recites "latch."

It is noted that claims 14 and 18 recite two different embodiments and it is nothing wrong for different embodiments to be contradictory.

The Examiner has also stated that the term "further illumination means" in claim 7 is a relative term which renders the claim indefinite. Since claim 7 has been cancelled, it appears that the Examiner refers to claims 12 and 19 of the now existing claims. The term "further lighting means" in claim 12 refers to at least one of the second lighting system (a further visible light system) and the third lighting system (night vision system), and the term "further lighting means" in claim 19 refers to the second lighting system (night vision system) (see paragraph [00018] of the specification). The language of claims 12 and 19 has been modified to even more clearly define the present invention.

Claim Rejections - 35 U.S.C. § 102 & 103

Claim 13 has been rejected under 35 USC 102(b) as being anticipated by DE 3932216 (erroneously cited by the Examiner as DE 3923316).

Claims 14-17 have been rejected under 35 USC 103(a) as being unpatentable over DE 3932216 in view of FR 2818933.

~~Claims 8, 12, and 18-19 have been rejected under 35 USC 103(a) as being unpatentable over DE 3932216 in view of Wolfe (US 6,288,492).~~

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Claims 8, 12, and 18-19 have been rejected under 35 USC 103(a) as being unpatentable over DE 3932216 in view of Wolfe (US 6,288,492).

Claims 9-11 have been rejected under 35 USC 103(a) as being unpatentable over DE 3932216 in view of Wolfe and further in view of FR 2818933.

DE 3932216 shows a lighting device with separated headlamps for the lower beam 8 and the upper beam 9 (see Fig. 1). A tubular filter 13 is movably arranged over the light source 11 in the upper beam headlamp 9 and is only permeable to light in the non-visible wavelength region (see Fig. 2). The filter is not working when the upper beam is turned on. When the lower beam is turned on, the filter is moved over the light source 11 so that the upper beam headlamp 9 can only emit infrared light 19 (see Fig. 3).

Clearly, DE 3932216 can only switch between the lower beam and the upper beam. DE 3932216 does not disclose a switch for actuating a first lighting system for emitting visible light having a number of lighting states with a lower beam and an upper beam, and for actuating a second lighting system for emitting light whose wavelength region is in the infrared or in the non-visible wavelength region. In other words, DE 3932216 has only one lighting system. The filter is part of this lighting system, not a separate lighting system. The filter will automatically move over the upper beam light source when the lower beam is turned on. Thus, DE 3932216 differs from the present invention in that it has only one single light source and it is not possible to only operate the lower beam without infrared lighting.

Also, DE 3932216 does not disclose "the arrangement of the switching stages of the switch is fixed in such a way that the switching stage representing the upper beam can be switched on only after switching the switching stage of the second lighting system" as recited in claim 13. As discussed above, in DE 3932216 when the upper beam is turned on, the filter is not working. It is, therefore, not clear how column 2, lines 24-31 of DE 3932216, cited by the Examiner, disclose that the switching stage representing the upper beam can be switched on only after the switching stage of the second lighting system (non-visible light lighting system) has been activated.

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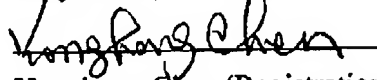
With regard to claim 8, DE 3932216 does not disclose that the second and the third lighting system can be switched on only after switching the switching stage representing the lower beam because DE 3932216 has only one lighting system.

The other cited references do not make up for the differences between DE 3932216 and the present invention.

It is, therefore, believed that claims 8 and 13 are patentable over cited references and all the dependent claims should be patentable as well due to their dependency to claims 8 or 13.

Favorable consideration and early issuance of the Notice of Allowance are respectfully requested. Should further issues remain prior to allowance, the Examiner is respectfully requested to contact the undersigned at the indicated telephone number.

Respectfully submitted,



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